

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FILED
JUN 14 2016
Clerk, U.S. District Court
District Of Montana
Missoula

JORDAN KEEFE,

Plaintiff,

vs.

MSP I.P.S. OFFICERS, THORNE-
BLACKCROW, MEDICAL STAFF,
C/O BURESH, JOANNE REESE,
TOM SIMPKINS, TAMMY, JIM,
AMBER HOLLY, C/O WHEAT, and
MONTANA STATE PRISON,

Defendants.

CV 15-103-H-DLC-JTJ

ORDER

United States Magistrate Judge John Johnston entered his Order, Findings and Recommendations in this matter on May 17, 2016, recommending dismissal of all Defendants other than Officer Buresh and multiple claims not raised in the Second Amended Complaint. Plaintiff Jordan Keefe ("Keefe") failed to timely object to the Findings and Recommendations, and so waived his right to de novo review of the record. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir.

1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.”

United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Having reviewed the Findings and Recommendations, the Court finds no clear error in Judge Johnston’s conclusion that: (1) Defendants MSP I.P.S. Officers, Thorne Blackcrow, Medical Staff, Joanne Reese, Tom Simpkins, Tammy, Jim, Amber, Holly, and Correctional Officer Wheat were not named in the Second Amended Complaint and should be dismissed; and (2) all claims not raised in the Second Amended Complaint should be dismissed, including Keefe’s claims of denial of medical care, sexual assault, retaliation, threats, the right to file grievances, and any claims under the Americans with Disabilities Act.

Accordingly, IT IS ORDERED that:

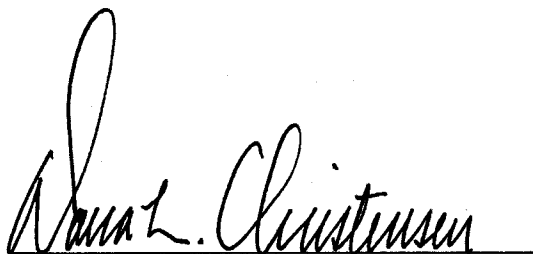
(1) Judge Johnston’s Findings and Recommendations (Doc. 20) are ADOPTED IN FULL.

(2) All Defendants other than Officer Buresh including: MSP I.P.S. Officers, Thorne Blackcrow, Medical Staff, Joanne Reese, Tom Simpkins, Tammy, Jim, Amber, Holly, Correctional Officer Wheat, and Montana State Prison, are DISMISSED.

(3) All claims other than Mr. Keefe’s claim against Officer Buresh,

including Keefe's claims of denial of medical care, sexual assault, retaliation, threats, the right to file grievances, and any claims under the Americans with Disabilities Act, are DISMISSED.

Dated this 14th day of June, 2016.

A handwritten signature in black ink, reading "Dana L. Christensen", written over a horizontal line.

Dana L. Christensen, Chief Judge
United States District Court